

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

STEPHEN SEYMOUR,)
)
Plaintiff,)
)
v.)
)
LQ MANAGEMENT, LLC; LQ PROPERTIES, LLC f/k/a BRE/LQ PROPERTIES, LLC;)
LQ OPERATING LESSEE, LLC f/k/a BRE/LQ OPERATING LESSEE, INC.; and LA QUINTA HOLDINGS, INC.,)
Defendants.)

Civil Action No. _____
JURY DEMAND

NOTICE OF REMOVAL

Defendants LQ Management, LLC; LQ Properties, LLC f/k/a BRE/LQ Properties, LLC; LQ Operating Lessee, LLC f/k/a BRE/LQ Operating Lessee, Inc.; and La Quinta Holdings, Inc., (hereinafter “Defendants”) hereby remove this case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 from the Circuit Court of Williamson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division. Defendants deny generally the allegations contained in the Complaint and file this Notice without waiving any defenses, exceptions, or obligations that may exist in their favor in state or federal court.

I. STATEMENT OF COMMENCEMENT OF ACTION

Plaintiff filed an action on October 24, 2016, Civil Action 2016-551, in the Circuit Court of Williamson County, Tennessee arising out of a personal injury claim. Plaintiff’s Complaint demands a jury.

Plaintiff served the Summons and Complaint on LQ Management, LLC and LQ Properties, LLC through their registered agent Corporation Service Company on October 26,

2016. Therefore, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days of receipt of the Summons and Complaint via service. *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999); *Arthur v. Litton Loan Servicing*, 249 F. Supp. 2d 924 (E.D. Tenn. 2002).

II. PLEADINGS AND NOTICE TO STATE COURT

True and correct copies of the Complaint and all process, pleadings, and orders received by Defendants to date with respect to this action are attached as Exhibit A hereto and are being filed along with this Notice of Removal. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal is being served on the named Plaintiff, through his attorney. Notice also is being filed with the Circuit Court of Williamson County, Tennessee.

III. STATEMENT OF STATUTORY BASIS FOR JURISDICTION

This action is within the diversity jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1332, which vests federal district courts with jurisdiction over actions in which plaintiffs and defendants are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interests and costs. *Id.* § 1332(a)(1) and (c)(1).

IV. CITIZENSHIP OF THE PARTIES

Plaintiff Stephen Seymour is an individual citizen and resident of the State of Georgia. Complaint, ¶ 1.

LQ Management, LLC is a limited liability company organized and existing under the laws of the State of Delaware. The sole member of LQ Management, LLC is La Quinta Intermediate Holdings, LLC. The sole member of La Quinta Intermediate Holdings, LLC is La Quinta Holdings, Inc. La Quinta Holdings, Inc. is a Delaware Corporation with its principal place of business in Texas.

LQ Properties, LLC is a Delaware limited liability company owned by La Quinta, LLC, Lodge S-Holdings, LLC, and Lodge Holdings, LLC. The sole member of each of these three member entities is Lodge Holdco I, LLC. The sole member of Lodge Holdco I, LLC is La Quinta Intermediate Holdings, LLC. The sole member of La Quinta Intermediate Holdings, LLC is La Quinta Holdings, Inc., which is a publically traded Delaware corporation, with its principal place of business in Texas.

LQ Operating Lessee, LLC is a Delaware limited liability company owned by LQ TX Properties, LLC, LQ Properties, LLC, and LQ FL Properties, LLC. LQ TX Properties, LLC, LQ Properties, LLC, and LQ FL Properties, LLC are owned by La Quinta, LLC, Lodge S-Holdings, LLC, and Lodge Holdings, LLC. The sole member of each of these three member entities is Lodge Holdco I, LLC. The sole member of Lodge Holdco I, LLC is La Quinta Intermediate Holdings, LLC. The sole member of La Quinta Intermediate Holdings, LLC is La Quinta Holdings, Inc., which is a publically traded Delaware corporation with its principal place of business in Texas.

La Quinta Holdings, Inc. is a publically traded Delaware corporation with its principal place of business in Texas.

A corporation is deemed to be a citizen of the state in which it is incorporated and the state in which it operates its principal place of business. 28 U.S.C. §1332 (c)(1). A limited liability company is deemed to be a citizen of every state where its members are citizens. *Pitt Excavating, LLC v. Pitt*, 603 Fed. Appx. 393, 398 (6th Cir. 2015). Likewise, a limited partnership is deemed to be a citizen of every state where its general and limited partners reside. *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005). Consequently, on the face of the

Complaint, this is an action in which the parties are citizens of different states, and the requisite diversity of citizenship exists. 28 U.S.C. §1332(a)(1).

V. AMOUNT IN CONTROVERSY

Plaintiff seeks to recover an award of compensatory damages for “bodily injury, medical expenses (of at least \$226,609.13), future medical expenses, permanent impairment, pain and suffering, emotional distress, lost wages, loss of enjoyment of life, and other related compensatory, general, and special damages. *See* Complaint, prayer for relief, ¶ 4. Therefore, from the face of the Complaint, the minimum amount in controversy exists.

VI. REQUEST FOR BRIEFING AND ORAL ARGUMENT

In the event any question arises as to the propriety of the removal of this matter, Defendants request the opportunity to present briefs, oral argument, and, if necessary, affidavits and other evidence in support of their position that removal is proper.

VII. CONCLUSION

WHEREFORE, Defendants hereby remove this matter from the Circuit Court of Williamson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division, based on 28 U.S.C. §§ 1332, 1441, and 1446.

Respectfully submitted,

/s/ Samuel T. Bowman

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LQ Properties, LLC f/k/a BRE/LQ Properties, LLC;
LQ Operating Lessee, LLC f/k/a BRE/LQ Operating
Lessee, Inc.; and La Quinta Holdings, Inc.*

CERTIFICATE OF SERVICE

I certify that on November 28, 2016, a copy of the foregoing was served by first class U.S. Mail, postage prepaid, on:

William B. Hicky
Two American Center
3102 West End Avenue, Suite 400
Nashville, TN 37203

/s/ Samuel T. Bowman
Samuel T. Bowman